



Docket No.: PZ016P2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Moore et al.

Application No.: 10/047,021

Group Art Unit: 1645

Filed: January 17, 2002

Examiner: Not Yet Assigned

For: 50 Human Secreted Proteins

PETITION TO CORRECT FILING DATE

Commissioner for Patents
Washington, DC 20231

RECEIVED

JUN 10 2002

Dear Sir:

OFFICE OF PETITIONS

Applicants hereby petition to have the filing date of January 15, 2002, corrected to January 17, 2002 in the above-identified application.

The above-identified application was filed by hand-delivery on January 17, 2002 (copy of hand-delivered return receipt postcard attached hereto as Exhibit A).

The return receipt postcard mailed to Applicants by the Patent Office that should have had the serial number and the filing date affixed thereto was received by Applicants on February 6, 2002. The USPTO sticker affixed to said postcard did not have the serial number assigned to the application nor the correct filing date of January 17, 2002 (copy of postcard attached here as Exhibit B). Instead, the filing date assigned to the application was January 15, 2002. Applicants submit that the error was promulgated by the Patent Office.

Applicants were unaware of the Application Serial Number assigned to this application until the Official Filing Receipt was mailed by the Patent Office on March 29, 2002 (copy of Official Filing Receipt attached hereto as Exhibit C).

000007/2002 JADD01 00000053 083425 10047021

00000000 130.00 CH

Adjustment date: 06/12/2002
06/07/2002 JADD01 00000053 083425 10047021
01 F1:122 130.00 CR


As required under 37 C.F.R. §1.137(b), the fee required in connection with this Petition is enclosed herewith. Further, since the error was made by the U.S. Patent and Trademark Office, Applicants respectfully request that the aforementioned petition fee be refunded to Applicants.

Accordingly, Applicants hereby respectfully request that this Petition to Correct the Filing Date to January 17, 2002 be granted.

Please charge the fee required by 37 C.F.R. §1.17(m), estimated to be \$130.00 to Deposit Account No. 08-3425. In addition, the Commissioner is hereby authorized to charge payment for any additional required fees in connection with this Petition or credit any overpayment to Deposit Account No. 08-3425.

Dated: June 6, 2002

Respectfully submitted,

By 
Janet M. Martineau
Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue
Rockville, Maryland 20850
(301) 315-2723
Attorneys for Applicant

KKH/JMM/rmr

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JUN 10 2002
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HUMAN GENOME SCIENCES, INC

Please date stamp and return to addressee on reverse side

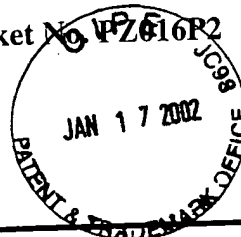
Applicants: Moore et al.

Docket No. PZ616P2

Application No.: To be assigned

Filed: Concurrently herewith

Title: 50 Human Secreted Proteins



Documents Filed Via Hand Delivery on January 17, 2002

1. Postcard (2);
2. Utility Patent application transmittal letter;
3. Fee Transmittal Sheet (in duplicate);
4. 690 pgs of specification (including 4 pages of claims (23 claims) and 1 page of abstract);
5. Unexecuted Declaration (3 pgs.) and Application Data Sheet (6 pgs.);
6. Submission of Formal Drawings and accompanying Figs. 1-2 (2 sheets); and
7. Statement Under 37 C.F.R. § 1.821(f) with computer-readable diskette containing sequence listing and hard copy of sequence listing (82 pgs).

KKH/JMM/DAS/mlm

Attn.: Legal Department

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JUN 10 2002

OFFICE OF PETITIONS



HUMAN GENOME SCIENCES, INC.

PLEASE HOLD FOR
SERIAL NUMBER

Please date stamp and return to addressee on reverse side

Applicants: Moore et al.

Docket No. PZ016P2

Application No.: To be assigned

Filed: Concurrently herewith

Title: 50 Human Secreted Proteins

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FEB 06 2002

JC828 U.S. PTO

01/15/02

JC828 U.S. PTO
10/047021

01/17/02

HGS PATENT DEPT

Documents Filed Via Hand Delivery on January 17, 2002

1. Postcard (2);
2. Utility Patent application transmittal letter;
3. Fee Transmittal Sheet (in duplicate);
4. 690 pgs of specification (including 4 pages of claims (23 claims) and 1 page of abstract);
5. Unexecuted Declaration (3 pgs.) and Application Data Sheet (6 pgs.);
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7. Statement Under 37 C.F.R. § 1.821(f) with computer-readable diskette containing sequence listing and hard copy of sequence listing (82 pgs).

KKH/JMM/DAS/mlm

Attn.: Legal Department



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/047,021	01/15/2002	1645	878	PZ016P2	2	23	4

CONFIRMATION NO. 2187

22195
HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

RECEIVED

FILING RECEIPT



OC000000007750021

APR 02 2002

KKH *MSH jmm DS*
HGS PATENT DEPT.

Date Mailed: 03/29/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Paul A. Moore, Germantown, MD;
Steven M. Ruben, Olney, MD;
David W. LaFleur, Washington, DC;
Yanggu Shi, Gaithersburg, MD;
Craig A. Rosen, Laytonsville, MD;
Henrik S. Olsen, Gaithersburg, MD;
Richard Ebner, Gaithersburg, MD; ✓
Laurie A. Brewer, St. Paul, MN;

Assignment For Published Patent Application

Human Genome Sciences, Inc., Rockville, MD;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/262,066 01/18/2001
AND A CIP OF 09/722,329 11/28/2000
WHICH IS A CON OF 09/262,109 03/04/1999 ABN
WHICH IS A CIP OF PCT/US98/18360 09/03/1998
WHICH CLAIMS BENEFIT OF 60/057,626 09/05/1997
AND CLAIMS BENEFIT OF 60/057,663 09/05/1997
AND CLAIMS BENEFIT OF 60/057,669 09/05/1997
AND CLAIMS BENEFIT OF 60/058,666 09/12/1997
AND CLAIMS BENEFIT OF 60/058,667 09/12/1997
AND CLAIMS BENEFIT OF 60/058,973 09/12/1997
AND CLAIMS BENEFIT OF 60/058,974 09/12/1997
AND CLAIMS BENEFIT OF 60/090,112 06/22/1998

Foreign Applications



Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

50 human secreted proteins

Preliminary Class

530

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

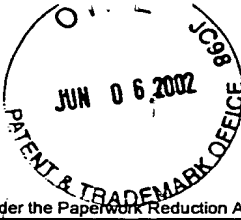
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**Complete if Known**

Application Number	10/047,021
Filing Date	January 17, 2002
First Named Inventor	Dr. Paul A. Moore
Examiner Name	Not Yet Assigned
Group Art Unit	1645
Attorney Docket No.	PZ016P2

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit
Account
Number

08-3425

Deposit
Account
Name

Human Genome Sciences, Inc.

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
-20** =		x	
Independent Claims	-3** =	x	
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00**SUBMITTED BY**

Name (Print/Type) Janet M. Martineau

Registration No.
(Attorney/Agent)

46,903

Complete (if applicable)

Telephone (301) 315-2723

Signature

Date

June 6, 2002

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>8-8-02</u>		2 Serial/Patent # <u>10/047,021</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<u>122</u>	Petition	<u>5</u>	<u>6-6-02</u>	<u>\$130.00</u>							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
		7 TOTAL AMOUNT OF REFUND		<u>\$130</u>							
		8 TO BE REFUNDED BY:									
10 REASON:		<input checked="" type="checkbox"/> Treasury Check									
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
<input type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td>0</td><td>8</td><td>--</td><td>3</td><td>4</td><td>2</td><td>3</td> </tr> </table>			0	8	--	3	4	2	3
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<u>PET DUE TO PTO error</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>D WOOD</u>		TITLE: <u>ATTY</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>308-6918</u>									
OFFICE: <u>PETITION</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>8/12/02</u>									

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Crystal Park One, Room 802B